



Attorney Docket No. 203442107020

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR CONTINUATION-IN-PART APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND COMPOSITIONS FOR REGULATING FAS-ASSOCIATED APOPTOSIS , the specification of which

(check one) ☐ is attached hereto  
☒ was filed on May 18, 1995

as application serial no. 08/443,982 and was amended on \_\_\_\_ (if applicable).

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner

prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.: 08/416,379

Filing Date: April 3, 1995

Status (patented, pending, abandoned): pending

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than

one year prior to said earlier application. Said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 U.S.C. § 119.

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application. Said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; and the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

The priority of the earliest application(s) (if any) filed within a year to this application is hereby claimed under 35 U.S.C. § 119.

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Reid G. Adler - Reg. No. 30,988  
David L. Bradfute - Reg. No. 39,117  
Thomas E. Ciotti - Reg. No. 21,013  
Patricia M. Drost - Reg. No. 29,790  
Edward G. Durney - Reg. No. 37,611  
Tyler Dylan - Reg. No. 37,612  
Nancy Joyce Gracey - Reg. No. 28,216  
Gary A. Green - Reg. No. 38,474  
Stuart P. Kaler - Reg. No. 35,913  
Paul C. Kimball - Reg. No. 34,641

Shmuel Livnat - Reg. No. 33,949  
Harry J. Macey - Reg. No. 32,818  
Gladys H. Monroy - Reg. No. 32,430  
Kate H. Murashige - Reg. No. 29,959  
Jackie N. Nakamura - Reg. No. 35,966  
Freddie K. Park - Reg. No. 35,636  
Robert A. Saltzberg - Reg. No. 36,910  
Paul F. Schenck - Reg. No. 27,253  
James R. Shay - Reg. No. 32,062  
Debra A. Shetka - Reg. No. 33,309

Antoinette F. Konski - Reg. No. 34,202  
Susan K. Lehnhardt - Reg. No. 33,943

Cecily Anne Snyder - Reg. No. 37,448  
E. Thomas Wheelock - Reg. No. 28,825

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Address all correspondence to: Antoinette F. Konski

MORRISON & FOERSTER  
755 Page Mill Road  
Palo Alto, CA 94304-1018

Address all telephone calls to: Antoinette F. Konski at 415-813-5600.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name Inventor: Vishva M. DIXIT 1-00

Signature: Vishva Dixit

Date 6/27/95

Residence: Ann Arbor, Michigan MI

Citizenship: United States of America

Post Office Address: 1300 Pepperpike, Ann Arbor, Michigan 48105

Full Name Inventor: Karen O'ROURKE 2-00

Signature: Karen O'Rourke

Date 6/27/95

Residence: Ann Arbor, Michigan 48109 MI

Citizenship: United States of America

Post Office Address: 1301 Catherine St., Box 0602, Ann Arbor, Michigan 48109

Applicant or Patentee: Vishva M. Dixit, et al.

Serial or Patent No.: 08/443,982

Filed or Issued: May 18, 1995

For: METHODS AND  
COMPOSITIONS FOR  
REGULATING FAS-  
ASSOCIATED APOPTOSIS



Attorney  
Docket No.: 203442107020

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS 37 CFR 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am

- ☐ the owner of the nonprofit concern identified below:  
☒ an official of the nonprofit concern empowered to act on behalf of the concern  
identified below:

NAME OF NONPROFIT ORGANIZATION THE REGENTS OF THE UNIVERSITY OF  
MICHIGAN

ADDRESS OF NONPROFIT ORGANIZATION Wolverine Tower, Room 2071,  
3003 South State Street, Ann Arbor, MI 48109

**TYPE OF NONPROFIT ORGANIZATION:**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a)  
and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF  
THE UNITED STATES OF AMERICA  
(NAME OF STATE       )  
(CITATION OF STATUTE       )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE  
CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES  
OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER  
STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN  
THE UNITED STATES OF AMERICA  
(NAME OF STATE       )  
(CITATION OF STATUTE       )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled METHODS AND COMPOSITIONS FOR REGULATING FAS-ASSOCIATED APOPTOSIS inventor(s) Vishva M. Dixit and Karen O'Rourke described in:

- ☐ the specification filed herewith.  
☒ application serial no. 08/443,982, filed May 18, 1995  
☐ patent no.       , issued       .

I hereby declare that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

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\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Robert L. Robb

TITLE IN ORGANIZATION OF PERSON SIGNING: Director, Technology Mgmt. Office

ADDRESS OF PERSON SIGNING: 3003 S. State St., Ann Arbor, Mi. 48109-1280

SIGNATURE \_\_\_\_\_

DATE 6-22-95